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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,771	03/08/2004	Zhiping Shan	1094-27	4090
28249	7590	03/01/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			VANOY, TIMOTHY C	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/795,771

Applicant(s)

SHAN ET AL.

Examiner

Timothy C. Vanoy

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-38 (group I), drawn to a process for synthesizing a mesoporous aluminum oxide composition; a mesoporous aluminum oxide composition, and a process for adjusting mesopore sizes in mesoporous aluminum oxides, classified in class 423, subclass 625.
- IIa. Claims 39 and 40 (group IIa), drawn to the catalytic reforming of naphtha, classified in class 208, subclass 133+.
- IIb. Claims 39 and 41 (group IIb), drawn to steam reforming, classified in class 423, subclass 652+.
- IIc. Claims 39 and 44 (Group IIc), drawn to fluid catalytic cracking, classified in class 208, subclass 46+.
- IId. Claims 39 and 45 (Group IId), drawn to hydrotreating, classified in class 208, subclass 177+.
- IIe. Claim 39 (group IIe), drawn to CCR reduction, classified in class (unknown), subclass (unknown).
- IIf. Claim 39 (group II f), drawn to RCR reduction, classified in class (unknown), subclass (unknown).
- Ilg. Claim 39 (group IIg), drawn to isomerization, classified in class 585, subclass (various).
- IIh. Claim 39 (group IIh), drawn to hydration, classified in class 585, subclass 15+.

- IIi. Claims 39 and 43 (group IIi), drawn to dehydration of an alcohol, classified in class 585, subclass 945+.
- IIj. Claim 39 (group IIj), drawn to denitrogenation, classified in class 208, subclass 254H.
- IIk. Claim 39 (group IIk), drawn to demetallation, classified in class 208, subclass 251H.
- III. Claim 39 (group III), drawn to desulfurization, classified in class 208, subclass 213.
- IIm. Claim 39 (group IIm), drawn to the Claus process, classified in class 423, subclass 573.1+.
- IIn. Claims 39 and 42 (group IIn), drawn to the Fischer-Tropsch synthesis, classified in class 518, subclass 700+.
- IIo. Claims 39, drawn to ammoxidation, classified in class 558, subclass (various).
- IIp. Claims 39 and 46 (group IIp), drawn to amination, classified in class 564, subclass (various).
- IIq. Claim 39 (group IIq), drawn to the Diels-Alder synthesis, classified in class 585, subclass 361.
- IIr. Claim 39 (group IIr), drawn to adsorption, classified in class 208, subclass 299.
- IIs. Claims 39 and 47 (group IIs), drawn to hydrogenation of unsaturated hydrocarbons, classified in class 585, subclass 250+.

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IIc. Claim 39 (group IIc), drawn to dehydrogenation, classified in class 568, subclass 403+.

The inventions are distinct, each from the other, because of the following reasons:

The inventions set forth in the claims of groups I through IIc are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because each group of claims is capable of supporting its own patent. The subcombination has separate utilities. For example, the utility of the claim(s) of group IIc is for the Claus process which is distinct and separate from the utility of the claim(s) of group IIa which is for the hydrogenation of unsaturated hydrocarbons.

Because these inventions are independent or distinct for the reasons given above and the claims set forth in groups I through IIc have acquired a separate status in the art in view of their different classification; the inventions require a different field of search (see MPEP § 808.02), and the claims set forth in groups I through IIc have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

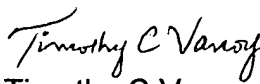
Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

The applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy C Vanoy
Patent Examiner
Art Unit 1754